Supreme Court, U. S.
FILED
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MICHAEL RODAK, JR., CLERK

APPENDIX

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 74-1599

JEWELL D. CHANDLER, *Petitioner*,

v.

RICHARD L. ROUDEBUSH, ET AL., *Respondents*.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR CERTIORARI FILED JUNE 19, 1975

CERTIORARI GRANTED OCTOBER 6, 1975

13395-1-76

INDEX

	Original [1] Record Pages	Cert.[2] Petition Appendix Pages	Appendix Pages
JUDICIAL PROCEEDINGS:			
Docket Entries	R. 271-273	——	2-4
Complaint (August 9, 1973) .	R. 1-6	——	5-10
Notice of Deposition and Request for Production of Documents in Connection Therewith (November 5, 1973)	R. 146-147	——	11-12
Notice of Deposition (November 8, 1973)	R. 149	——	12-13
District Court Opinion (December 31, 1973)[2]	R. 252-255	30a-33a	——
District Court Judgment (December 31, 1973)	R. 257-258	——	13-14
Court of Appeals Opinion (April 25, 1975)[2]		34a-41a	——
Court of Appeals Judgment (April 25, 1975)		——	15
ADMINISTRATIVE DECISIONS:			
Complaints Examiner's Findings and Recommended Decision[2]	A. R. 16-35	1a-17a	——
Veterans Administration Decision (March 21, 1973) [2].	A. R. 36-39	18a-21a	——
Civil Service Commission Decision (July 18, 1973)[2] ...	A. R. 3-8	21a-29a	——

[1] This is a Rule 36(4) deferred appendix. Original record page numbers are indicated in brackets. Volume 1 of the record contains the pleadings, orders, etc., in the district court and the court of appeals; page numbers in Volume 1 are indicated here as '[R. —]'. The exhibit volume of the record contains the certified administrative record of proceedings before the Veterans Administration and the Civil Service Commission; page numbers in the exhibit volume are indicated here as '[A.R. —]'. This format for indicating original record page numbers is the same as the citation format in the Brief for Petitioner, which brief cites only to the original record [*see*, Pet. Br. 4 n.1; Rule 36(5)].

[2] The administrative and judicial decisions below were printed in the appendix to the Petition for Certiorari, and are not reproduced here (*see*, Clerk's Memorandum to Counsel).

	Original Record Pages	Cert. Petition Appendix Pages	Appendix Pages
ADMINISTRATIVE PROCEEDINGS: (Selected Items) (Reverse Chronological Order)			
Closing Statement of Complaints Examiner (January 29, 1973)	A. R. 118	—	16-17
Letter from Complaints Examiner to Petitioner (January 17, 1973)	A. R. 141	—	17-18
Letter from Complaints Examiner to Director, Veterans Administration Regional Office (January 9, 1973)	A. R. 142	—	18-19
Letter from Petitioner to Complaints Examiner (December 28, 1972)	A. R. 143-145	—	19-23
Investigator's Report and Index of Exhibits	A. R. 156-169	—	24-44

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APPENDIX

DOCKET ENTRIES

[R. 271]

United States District Court, Central District of California

[R. 272]

DATE PROCEEDINGS

8-9-73—Filed Complaint. . . .

9-5-73—Filed Plaintiff's notice of motion . . . & motion for Summary Judgment & memorandum, affidavit & exhibits in support thereof.
Filed Plaintiff's proposed findings of fact & conclusions of law.

10-18-73—Filed defendants' opposition to motion for Summary Judgment.
Filed defendants' Certified Administrative record.

10-19-73—Filed ANSWER to Complaint.

10-24-73—Filed plaintiff's reply to defendants' opposition to motion for Summary Judgment.

10-25-73—Filed USA supplemental memorandum in opposition to plaintiff's motion for Summary Judgment.

10-29-73—MINUTE ORDER: Hearing plaintiff's Motion for Summary Judgment. Counsel present & motion argued to Court. The Motion is Denied. Defendant to prepare papers. (MML)

10-30-73—Filed defendants' ORDER (MML) denying plaintiff's motion for Summary Judgment.

11-5-73—Filed plaintiff's Notice of deposition of Martin Holland on 11-30-73, & request for documents in connection therewith.

11-8-73—Filed plaintiff's Notice of deposition of Inocentes Dineros on 11-30-73 . . . .
Filed defendants' Notice of Motion . . . & motion for protective order; & Memorandum of points and authorities.

DATE PROCEEDINGS

11-19-73—Filed plaintiff's opposition to defendants' motion for protective order to prevent discovery.

11-26-73—MINUTE ORDER: Hearing defendant's Motion for protective order. Counsel present & motion argued to Court. Court orders discovery stayed thru 12-21-73. Cross Motions for Summary judgment & right of plaintiff for trial de novo are set for 12-21-73 at 11:00 A.M. Motions to be filed by 12-7-73 and responses to be filed by 12-17-73. (MML)

12-7-73—Filed Defendants' Notice of Motion . . . & motion to dismiss defendants Gordon R. Elliott & Martin C. Holland; Notice of Motion & Motion for Summary Judgment. Memorandum of points and authorities.

LODGED proposed findings of fact & conclusions of law.

LODGED proposed Judgment.

Filed plaintiff's Notice of Motion . . . & Motion for Summary Judgment & Memorandum & exhibit in support thereof.

LODGED proposed findings of fact & conclusions of law.

LODGED proposed Summary Judgment.

[R. 273]

12-11-73—Filed defendants' supplemental memorandum.

12-13-73—Filed plaintiff's supplemental memorandum.

12-17-73—Filed defendants' reply memorandum.
Filed plaintiff's opposition to defendants' motions for Summary Judgment & dismissal.

12-19-73—Filed plaintiff's reply memorandum.

12-21-73—MINUTE ORDER: Heard cross-motions for Summary Judgment. Counsel present & the motions are argued to the Court. The plaintiff's motion is denied. The defendants' motion for summary judgment is granted & each side to bear its own costs. (MML)

12-31-73—Filed findings of fact & conclusions of law: Filed judgment & order thereon that judgment be favor defendants dismissing complaint....

1-21-74—Filed plaintiff's NOTICE OF APPEAL....

[R. —]

United States Court of Appeals, Ninth Circuit

DATE PROCEEDINGS

11-5-74—CAUSE ARGUED & SUBMITTED TO TRASK, CHOY, & GOODWIN, CJJ.

4-25-75—ORDERED OPINION (GOODWIN) FILED & JUDGMENT TO BE FILED & ENTERED.

4-25-75—Filed Opinion—Affirmed.

4-25-75—Filed & Entered Judgment.

6-23-75—Filed Supreme Court notice re: filing petition for certiorari 6-19-75 SC # 74-1599.

10-23-75—Received certified copy of Supreme Court order granting petition for certiorari 10-6-75.

COMPLAINT

[R. 1]

STUART P. HERMAN
Attorney at Law
9601 Wilshire Blvd., Suite 632
Beverly Hills, CA 90210

(213) 273-5540

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

(Filed August 9, 1973)

CIVIL No. 73-1863-MML
JEWELL D. CHANDLER,
Plaintiff,

VS.

DONALD E. JOHNSON, in his official capacity as Administrator of Veterans Affairs, Veterans Administration; GORDON R. ELLIOTT, in his official capacity as Director, Veterans Administration, Los Angeles Regional Office; MARTIN C. HOLLAND, in his official capacity as Adjudications Officer Veterans Administration, Los Angeles Regional Office; and THE UNITED STATES OF AMERICA,
Defendants.

CIVIL RIGHTS COMPLAINT FOR INJUNCTION AND OTHER EQUITABLE RELIEF IN CONNECTION WITH EMPLOYMENT PRACTICES

1. The jurisdiction of this Court is invoked pursuant to Section 717(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e) *et seq.* which provides for injunctive and affirmative relief against dis-

crimination in Federal government employment based on race, color, sex or national origin. The unlawful employment practices herein described occurred and are occurring in the Central District of California.

2. Defendant Donald E. Johnson at all relevant times mentioned herein was and is the Administrator of Veterans Affairs and as such is the "head" of the Veterans Administration,

[R. 2]

Washington, D.C. as that term is used in Section 717, 42 U.S.C. 2000(e) *et seq.* Defendant Gordon R. Elliott at all relevant times mentioned herein was and is the Director of the Los Angeles Regional Office of the Veterans Administration and as such is the "head" of the Region where the alleged unfair employment practice occurred. Defendant Martin C. Holland at all relevant times mentioned herein was and is the Adjudications Officer of the Los Angeles Regional Office of the Veterans Administration and as such is the "head" of the unit as that term is used in Section 717, 42 U.S.C. 2000(e) *et seq.* The individual defendants are being sued in their official capacities as heads of the various appropriate branches of the Veterans Administration. Proper Venue upon Donald E. Johnson is invoked pursuant to 28 U.S.C. 1391(e).

3. Plaintiff Jewell D. Chandler, a black female, now is and for many years has been a resident of the County of Los Angeles and an employee of the Veterans Administration, Los Angeles Region. Plaintiff is among the specific class of persons intended to be benefited by Title VII of the Civil Rights Act of 1964, and Executive Order 11478 and brings this action on behalf of herself and all persons similarly situated.

4. Plaintiff is employed as a Veterans Claims Examiner in the Adjudication Division of the Los Angeles Region

of the Veterans Administration. She has held that position since October 8, 1969, and is currently in the grade level of GS-12.

5. Plaintiff pursuant to undated Veterans Administration Promotional Announcement No. 80-72, applied for the position of Supervisory Veterans Claims Examiner, a GS-13 grade level. By notice dated August 29, 1972, she was informed that she had ranked "highly qualified" and was being considered for the position.

[R. 3]

On September 8, 1972, plaintiff was informed that a nonblack, male who had received a lower employee evaluation rating had been selected for the position.

6. On September 25, 1972, Plaintiff pursuant to regulations of the United States Civil Service Commission filed a timely Complaint of Discrimination in the Federal Government (CSC Form 894) alleging discrimination based on race, color and sex by the Veterans Administration in violation of Executive Order 11478 and Title VII of the Civil Rights Act of 1964 as amended.

Upon being informed that the Veterans Administration had failed or refused to informally resolve her grievance, Plaintiff on November 17, 1972, timely advised the Veterans Administration pursuant to Civil Service Commission regulations that she wanted a formal hearing on her complaint.

7. On January 26, and January 29, 1973, a formal hearing was held in Los Angeles, California, before a Civil Service Commission Complaints Examiner, during which ten witnesses testified under oath and numerous documents were considered.

8. Subsequent to the conclusion of the hearing, the Complaints Examiner issued a 20-page Finding and Recommended Decision based on the hearing record in which the Complaints Examiner concluded that Plaintiff had unlaw-

fully been discriminated against in not being selected for the position and recommended:

> "I recommend that complainant be promoted immediately to GS-13, Supervisory Veterans Claims Examiner, effective retroactively to September 17, 1972. When the Agency considers complainant in future promotion actions, complainant shall receive experience as if she *actually occupied* the GS-13 Section Chief Position on September 17, 1972" (Emphasis in original)

[R. 4]

9. By letter dated March 21, 1973, Plaintiff was informed of the Complaints Examiner's Conclusion and Recommendation by Kenneth M. Meyer, Acting Assistant General Counsel of the Veterans Administration in Washington, D. C. However, in the letter Plaintiff was advised that Mr. Meyer, representing the Veterans Administration, was rejecting the Conclusion and Recommendation of the Civil Service Commission Complaints Examiner and was further advised that she had a right to appeal his rejection to the Civil Service Commission Board of Appeal and Review in Washington, D. C.

10. On April 3, 1973, Plaintiff filed a timely appeal with the Civil Service Commission Board of Appeal and Review requesting that the recommended decision of the Complaints Examiner be implemented. By letter dated July 18, 1973, dispatched from Washington, D.C. and received on July 23, 1973, in Los Angeles, California, Plaintiff was informed by the Chairman of the Civil Service Commission, Board of Appeals and Review that her appeal was rejected and advising her that she was authorized to file a civil suit in Federal Court under Section 717(c) of the Civil Rights Act of 1964, as amended, within 30 calendar days of receipt of the July 18, 1973, letter.

11. On information and belief, Plaintiff alleges that she was denied, by defendants, equal employment opportunities based on unlawful and subjective employment criteria which do not measure the ability of an applicant to perform the sought after job and which have a disproportionate impact on women and blacks in violation of the Civil Rights Act of 1964, as amended and Executive Order 11478.

12. The above-described discriminatory employment practices based on sex or race constitute a violation of 42

[R. 5]

U.S.C. 2000(e) *et seq.*, the Civil Rights Act of 1964, as amended as well as Executive Order 11478. Unless preliminarily and permanently restrained by this Court, defendants will continue to pursue the same or similar discriminatory employment practices alleged in this complaint. If defendants are permitted to continue their discriminatory employment practices, Plaintiff and all others similarly situated will be denied equal employment opportunity as guaranteed by law. Such denial will cause Plaintiff and all others similarly situated serious and irreparable injury and monetary loss.

WHEREFORE, Plaintiff prays that defendants and each of them and their representatives, successors and all persons in active concert or participation with them be preliminarily and permanently enjoined from engaging in any discriminatory employment practice based on race, color or sex and specifically from:

(a) Failing or refusing to establish bona fide employment practices, procedures and standards which will prevent continued discrimination in hiring or promotion.

(b) Failing or refusing to discontinue employment practices, procedures and standards which have a disproportionate detrimental impact upon blacks and women and are not related to ability to perform the job sought.

(c) Failing or refusing to take appropriate measures to overcome the present effects of past discriminatory practices and policies, including the following affirmative steps:

(1) Implementing the Recommendation of the United States Civil Service Commission Complaints Examiner insofar as it relates to plaintiff and all other blacks and women similarly situated.

(2) Hiring and promoting sufficient qualified blacks and female applicants for positions at the Veterans

[R. 6]

Administration on an accelerated basis as is necessary to overcome the effects of past discriminatory employment practices based on race, color or sex.

(3) Providing monetary compensation to Plaintiff and all other blacks and females similarly situated for the monetary losses they have suffered as a result of defendants' failure or refusal to hire or promote them on an equal basis with nonblacks and men.

(4) Taking such other reasonable action as is necessary to overcome the present and future effects of defendants' past discriminatory practices, policies and actions.

Plaintiff further prays that this Court grant such other and further relief as the interests of justice require, including but not limited to Plaintiff's costs and disbursements herein and Plaintiff's reasonable attorney's fees.

Dated: August 9th, 1973.

/s/ Stuart P. Herman
Stuart P. Herman
Attorney for Plaintiff

(Verification Omitted In Printing)

NOTICE OF DEPOSITION AND REQUEST FOR PRODUCTION OF DOCUMENTS IN CONNECTION THEREWITH

[R. 146]

United States District Court
Central District of California

(Filed November 5, 1973)

Civil No. 73-1863-MML

Jewell D. Chandler, *Plaintiff*,

v.

Donald E. Johnson, etc., et al., *Defendants.*

Notice of Deposition and Request for Production of Documents in Connection Therewith

TO: Edward M. Kritzman, Clerk, United States District Court Central District of California; William D. Keller, Esquire, United States Attorney, Defendants' Attorney of Record and Rex Heeseman, Esquire, Assistant United States Attorney, Defendants' Attorney of Record:

Please Take Notice that on the 30th day of November, 1972, at 2:00 p.m., in the Office of Attorney Stuart P. Herman, 9601 Wilshire Boulevard, Suite 632, Beverly Hills, California, and continuing until completion, the Plaintiff, pursuant to Rules 30 and 34 of the Federal Rules of Civil Procedure will depose Defendant, Martin Holland, Adjudications Officer, Veterans Administration, Los Angeles, California.

Mr. Holland is also requested to produce all documents, papers, books, letters, personnel files, records,

[R. 147]

or other tangible things relating to the filling of the position of Supervisory Veterans Claims Examiner pursuant to

Veterans Administration, Los Angeles Region, Promotional Announcement No. 80-72.

You are invited to attend and cross-examine.

Dated this 30th day of October, 1973.

/s/ STUART P. HERMAN
Stuart P. Herman
Attorney for Plaintiff
9601 Wilshire Blvd., Suite 632
Beverly Hills, CA 90210

(AFFIDAVIT OF SERVICE OMITTED IN PRINTING)

NOTICE OF DEPOSITION

[R. 149]

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

(FILED NOVEMBER 8, 1973)

CIVIL No. 73-1863-MML

JEWELL D. CHANDLER,

Plaintiff

v.

DONALD E. JOHNSON, etc., et al.,

Defendants.

NOTICE OF DEPOSITION

TO: EDWARD M. KRITZMAN, Clerk, United States District Court Central District of California; WILLIAM D. KELLER, Esquire, United States Attorney, Defendants' Attorney of Record and REX HEESEMAN, Esquire, Assistant United States Attorney, Defendants' Attorney of Record:

PLEASE TAKE NOTICE that on the 30th day of November 1973, at 3:00 p.m., in the office of Attorney Stuart P. Herman, 9601 Wilshire Boulevard, Suite 632, Beverly Hills, California, and continuing until completion, the plaintiff,

pursuant to Rule 30 of the Federal Rules of Civil Procedure will depose Inocentes Dineros, Veterans Administration, Los Angeles, California.

You are invited to attend and cross-examine.

Dated this 1st day of November, 1973.

/s/ STUART P. HERMAN
Stuart P. Herman
Attorney for Plaintiff
9601 Wilshire Blvd., Suite 632
Beverly Hills, CA 90210

(AFFIDAVIT OF SERVICE OMITTED IN PRINTING)

DISTRICT COURT OPINION

[THE OPINION OF THE DISTRICT COURT IS PRINTED AT PAGES 30A-33A OF THE APPENDIX TO THE PETITION FOR CERTIORARI].

DISTRICT COURT JUDGMENT

[R. 257]

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

(FILED DECEMBER 31, 1973)

CIVIL No. 73-1863-MML

JEWELL D. CHANDLER,

Plaintiff

v.

DONALD E. JOHNSON, etc., et al.,

Defendants.

JUDGMENT

Both parties brought on for hearing motions for summary judgment before the Honorable Malcolm M. Lucas, United States District Judge, on the 21st day of December,

1973. Plaintiff appeared through her attorney, Stuart Herman, and defendants appeared through their attorneys, William D. Keller, United States Attorney, Frederick M. Brosio, Jr., Assistant U.S. Attorney, Chief, Civil Division, by Rex Heeseman, Assistant U.S. Attorney.

The Court, after having considered the pleadings, the memoranda, the administrative record, all filings and the oral argument at the time of hearing, and in accordance with the Findings of Fact and Conclusions of Law entered herein, hereby rules:

IT IS ORDERED, ADJUDGED, and DECREED that judgment be and the same is hereby entered in favor of defendants and

[R. 258]

against plaintiff, dismissing plaintiff's complaint and affirming the administrative decision herein.

Both parties will bear their own costs.

DATED: This 27 day of December, 1973.

/s/ MALCOLM M. LUCAS
UNITED STATES DISTRICT JUDGE

(CERTIFICATE OF SERVICE OMITTED IN PRINTING).

COURT OF APPEALS OPINION

[THE OPINION OF THE COURT OF APPEALS IS PRINTED AT PAGES 34A-41A OF THE APPENDIX TO THE PETITION FOR CERTIORARI].

COURT OF APPEALS JUDGMENT

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

JEWELL D. CHANDLER,
Appellant,

v.

DONALD E. JOHNSON, in his official capacity as Administrator of Veterans Affairs, Veterans Administration; etc., et al.,
Appellees.

No. 74-1596

DC # 73-1863

APPEAL from the United States District Court for the CENTRAL District of CALIFORNIA.

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the CENTRAL District of CALIFORNIA and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the judgment of the said District Court in this Cause be, and hereby is AFFIRMED.

Filed and entered April 25, 1975.

COMPLAINTS EXAMINER'S FINDINGS AND RECOMMENDED DECISION

[THE COMPLAINTS EXAMINER'S FINDINGS AND RECOMMENDED DECISION ARE PRINTED AT PAGES 1A-17A OF THE APPENDIX TO THE PETITION FOR CERTIORARI].

VETERANS ADMINISTRATION DECISION

[THE VETERANS ADMINISTRATION DECISION IS PRINTED AT PAGES 18A-21A OF THE APPENDIX TO THE PETITION FOR CERTIORARI].

CIVIL SERVICE COMMISSION DECISION

[THE CIVIL SERVICE COMMISSION DECISION IS PRINTED AT PAGES 21A-29A OF THE APPENDIX TO THE PETITION FOR CERTIORARI].

CLOSING STATEMENT OF COMPLAINTS EXAMINER[1]

[A. R. 118]

CLOSING STATEMENT OF COMPLAINT EXAMINER

[January 29, 1973]

After hearing additional information from Mrs. Chandler during the pre-hearing conference about what testimony she expected from 19 witnesses I had previously tentatively [dis]approved, I reconsidered my decision and approved the appearance of four additional witnesses: Mr. Robert Crawford, Mr. John Walker, Mrs. Murrell Long and Mr. Moss Inouye. Mrs. Murrell Long did not appear at the hearing because she did not wish to testify. Mrs. Chandler decided that it would not be necessary to call Mr. Gilbert Thompson, a previously approved witness. I disapproved the appearance of the other 15 requested witnesses identified in Mrs. Chandler's letter to me of December 28, 1972 because their expected testimony did not bear directly on the issue of whether the VA discriminated against Mrs. Chandler because of race and sex in not selecting her for the GS-13 Section Chief position. The complaint file had already sufficiently developed information relating to the general atmosphere out of which the complaint arose. Neither the complainant nor the agency representative offered any documents into evidence. I have as Complaint Examiner requested certain additional information in writing from the agency. I will carefully review that material in order to include only that which is relevant and material and to insure that there is no invasion of privacy of other individuals incidentally involved in this action. Copies of material added to the record by me will be furnished to both parties.

---

[1] The remaining items in this appendix appear, as in the Administrative Record, in reverse chronological order.

I will as early as possible consider the evidence and report my findings and recommendation to the agency head or designated deciding official. A decision will be furnished in writing by the responsible agency official.

• • •

LETTER FROM COMPLAINTS EXAMINER TO PETITIONER

[A. R. 141]

January 17, 1973

Mrs. Jewell D. Chandler
5719 Aladdin St.
Los Angeles, CA 90008

Dear Mrs. Chandler:

Reference your letter of December 28, 1972 concerning your requested witnesses for your EEO hearing. After a careful review of the complete complaint file and the expected testimony I have tentatively disapproved the following:

Mr. Paul Lente	Mr. Albert Walker
Mr. Robert G. Crawford	Mrs. Harriett K. Jones
Mr. Inocentes Dineros	Miss Alberta Franklin
Mr. Ira W. Clairborne	Mr. Milton Thompson
Mrs. Jeanette Stittsworth	Mr. Willie Edwards
Mr. John C. Walker	Mrs. Thelma Prince
Mrs. Murrell Long	Mr. Moss Inouye
Mrs. Elizabeth Bricker	Mrs. Earline Evans
Mr. William Hall, Jr.	Mr. Donald Baker

Mrs. Catherine Hogan

I have disapproved these witnesses because they do not appear to have direct knowledge related to your non-selection for the position of Section Chief.

If you have additional reasons for calling any of the above-named witnesses, I will reconsider those reasons during

the pre-hearing conference. If I determine at that time they should be included, I shall call them; however, my final decision on each witness will be made a part of the record during the hearing.

Sincerely

Edna E. J. Francis
EEO Complaints Examiner

LETTER FROM COMPLAINTS EXAMINER TO DIRECTOR, VETERANS ADMINISTRATION REGIONAL OFFICE

[A. R. 142]

January 9, 1973

Mr. Gordon R. Elliott
Director
VeteransAdministration
Regional Office
11000 Wilshire Blvd.
Los Angeles, CA. 90024

• Date of hearing: 1/25/73
Time of hearing: 9:00 a.m.
Place of hearing: Room 7301,
11000 Wilshire Blvd.
Los Angeles, CA. 90024

Dear Mr. Elliott:

After considering the complaint file in the discrimination complaint of Jewell D. Chandler and Mrs. Chandler's request for witnesses, I have determined that the following employees of your agency have pertinent information to offer at the hearing.* Please direct the following employees to be present at the hearing to testify:

Mr. Rudolf Beiser
Mr. Martin Holland
Mr. Dominic Ballanti
Mr. Gilbert M. Thompson
Mr. Amos E. Tessier
Mrs. Catherine M. Weden

Mrs. Margarette Fillerup

Their attendance at the hearing will be official business for all purposes. They should be assured freedom from re-

straint, interference, coercion, or reprisal in connection with their appearances as witnesses.

Sincerely,

Edna E. J. Francis
Equal Employment Opportunity
Complaints Examiner

cc: Mrs. Jewell D. Chandler
5719 Aladdin St.
Los Angeles, CA. 90008

LETTER FROM PETITIONER TO COMPLAINTS EXAMINER

[A. R. 143]

VETERANS ADMINISTRATION
REGIONAL OFFICE
Federal Building
11000 Wilshire Boulevard
Los Angeles, California 90024

Date: December 28, 1972
In Reply
Refer to: 344/211 (1J)

Ms. Edna E. J. Francis
Complaints Examiner
U.S. Civil Service Commission
851 South Broadway
Los Angeles, CA 90014

Dear Ms. Francis:

Reference is made to your letter dated December 19, 1972 at which time You requested that I submit to you the name of my Representative and the names of witnesses.

From August 23, 1972 through August 27, 1971, I attended the Veterans Administration Appeals Examiner Institute at Salt Lake City, Utah after having been appointed an

Appeals Examiner by the Area Field Director, Washington, D. C. For this Hearing, I have decided to represent myself because I am familiar with policy and procedure referrable to a formal hearing, and of the organizational structure of the office in which I am employed. I would like to reserve the right to have a person sit with me in an advisory capacity, not to represent me, whose name will be submitted within 10 days of this letter.

Complainant's Representative: Jewell D. Chandler, Complainant.

Witnesses complainant wishes to present are:

Mr. Rudolph Beiser, Personnel Officer

Reason: To present clarification of many of Personnel's actions in the hiring and promotional policies.

Mr. Martin C. Holland, Adjudication Officer

Reason: He is the discriminating official.

Mr. Dominic Ballanti, Section Chief (Supervisory Claims Examiner, GS-13)

Reason: He has been the supervisor to the promotee, Mr. Inocentes Dineros and the Complainant.

Mrs. Margarette M. Fillerup, Section Chief (Supervisory Claims Examiner, GS-13)

Reason: She was Mr. Dineros' supervisor at the time of his promotion, and his superior performance award.

[A. R. 144]

Mr. Gilbert M. Thompson, Section Chief, (Supervisory Claims Examiner, GS-12)

Reason: Supervisor to the Complainant.

Mr. Paul Lentz, Section Chief, (Supervisory Claims Examiner)

Reason: Was promoted prior to becoming proficient in any area of the Adjudication Division.

Mrs. Catherin Hogan, Veterans Claims Examiner, GS-12.

Reason: Detained in an area of employment below the grade to which promoted.

Mr. Robert G. Crawford, Veterans Claims Examiner, GS-12.

Reason: Has worked closely with the Complainant, and the promotee, Mr. Inocentes Dineros.

Mr. Inocentes Dinercs, the promotee, and now Supervisory Veterans Claims Examiner, GS-13 (Section Chief)

Reason: He is the employee whose promotion I am contesting.

Mr. Ira W. Claiborne, Legal Rating Specialist, GS-12 (Veterans Claims Examiner)

Reason: A proficient employee who does not comply to to the "Buddy System", but stands on productive ability.

Mrs. or Miss Jeanette Stittsworth, Veterans Claims Examiner, GS-12.

Reason: Has Proficiency in cne area of Adjudication who has been allowed to specialized.

Mr. John C. Walker, Vetrans Claims Examiner, GS-11

Reason: Mr. Dineros was his Authorizer, whose promotion I am contesting.

Mrs. Murrell Long, Veterans Claims Examiner, GS-11

Reason: Refused to sign deposition given under oath by the EEO Investigator.

Ms. Elizabeth Bricker, Veterans Claims Examiner, GS-9

Reason: To provide validity to the allegation of training.

Mr. Albert Walker, Veterans Claims Examiner, GS-9

Reason: Has been overlooked for promotion 10 times.

Mrs. Harriett K. Jones, Veterans Claims Examiner, GS-12

Reason: Overlooked for promotion in favor of less qualified males.

Miss Alberta Franklin, Veterans Claims Examiner Trainee, GS-7

Reason: To attest to the promotee and the complainant.

Mr. Milton Thompson, Claims Clerk, GS-6

Reason: Has been assigned to one unit longer than any other clerk and has ability to perform in a greater capacity.

Mr. Willie Edwards, Veterans Claims Clerk, GS-6

Reason: President of the Employee's Union, Conflicts with management regarding hiring policy.

[A. R. 145]

Mrs. Thelma Prince, Supervisory Clerk, GS-6

Reason: To provide validity to my allegation of discrimination in promotion policy.

Mr. Moss Inouye, Veterans Benefits Counselor, GS-9

Reason: To attest to my ability to provide information in all phases in Adjudication.

Mrs. Earline Evans, Veterans Claims Clerk, GS-5

Reason: Has been continually assigned to one area and has been continuously overlooked for promotion many times.

Mr. William Hall, Jr., Rating Specialist, GS-12, (Veterans Claims Examiner).

Reason: A disabled veteran, used the V. A. Education bill to graduate from law school, and offered a position as a GS-2. Mr. Hall is a law school graduate.

Mr. Donald Baker, GS-4 (?) Loan Guaranty Clerk.

Reason: Scored 100% on the Federal Service Entrance Examination, qualifying for a GS-5 and GS-7 position, and was hired as a GS-2. He is also a disabled veteran.

Respectfully Submitted,

/s/ JEWELL D. CHANDLER
(Mrs.) Jewell D. Chandler
Complainant
5719 Aladdin Street
Los Angeles, CA 90008
Telephone:
At Work: (213) 824-7419
At Home: (213) 299-1461

INVESTIGATOR'S REPORT AND INDEX OF EXHIBITS

[A. R. 156]

VETERANS ADMINISTRATION REGIONAL OFFICE
11000 Wilshire Boulevard
Los Angeles, California 90024

EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT
OF MRS. JEWELL CHANDLER

I. DESCRIPTION OF INVESTIGATION

A. Investigator: Mr. Robert H. Mark
Chief, Recreation Therapy PMRS
VA Hospital, Sepulveda, California
91343.

B. Date Case Received: October 5, 1972.

C. Date Report of Investigation submitted to Equal Employment Opportunity Officer: October 25, 1972.

D. Place of Investigation: Veterans Administration Regional Office, Los Angeles, California 90024

E. Dates of Investigation: October 10, 1972—October 25, 1972.

II. DESCRIPTION OF COMPLAINT

A. Date filed: September 25, 1972.

B. Title and Grade of Complainant's Position: Veterans Claims Examiner GS-12.

C. Name and Location of Agency and Unit involved in the Complaint: Veterans Administration Regional Office, Los Angeles, California 90024, Adjudication Division.

D. Nature of Action Giving Rise to Complaint: Non-selection of Complainant, Mrs. Jewell Chandler, Veterans Claims Examiner GS-12, on a Posted Promotional Announcement No. 80-72 for GS-13 Section Chief Position.

E. Date of Alleged Discrimination: September 14, 1972.

F. Kind of Discrimination: Racial and Sex.

G. Identity of Alleged Discriminating Official: Mr. Martin C. Holland, Adjudication Officer, Los Angeles Regional Office.

[A. R. 157]

GENERAL ENVIRONMENT

This complaint arises in the Adjudication Division, Los Angeles Regional Office.

This Division has some 276 employees whose grades range from GS-3 to GS-15. The ethnic breakdown of the Division is as follows: 180 Caucasian employees; 69 Black employees; 27 employees of other minorities such as Mexican-Americans, Japanese-Americans and Filipino-Americans. The grade structure breakdown is:

159 employees Grades 9-15 including:
114 Caucasians, 30 Blacks, 15 other;
117 employees Grades 3-7 including
66 Caucasians, 39 Blacks, 12 other.

The grade breakdown by sex is:

159 employees Grades 9-15
113 males and 46 females
117 employees Grades 3-7
57 males and 60 females.

The Division is divided into 9 sections, each with a Section Chief GS-13. The three major areas of responsibility are:

Rating Board, Authorization and Counseling and Training. The complaint arose from the Authorization area, where the complainant functions as an Authorizer GS-12. The two major areas of responsibility of Authorization are to handle veterans' claims concerning compensation and pension and claims for educational benefits. The Table of Organization for each of the 6 sections in Authorization is:

1 Section Chief GS-13

2 Authorizers GS-12

1 Senior Adjudicator GS-11.

The complainant is considered by her co-workers and supervisors to be a very competent, intelligent worker, as evidenced by her five promotions in the past six years and her High Quality increase awarded in 1970 (Exhibit 31).

She is an effective speaker and her talents have been utilized rather consistently, to orient and train employees, Service Field representatives and veterans as to the pertinent laws and their ramifications. She, as a rule, shared the panel table and rostrum with GS-13 Section Chiefs although her grade and position were lower.

She is active in employee organizations and is currently Federal Women's Program Coordinator and Chairwomen of the E.E.O. Subcommittee for Women.

[A. R. 158]

III. FINDINGS

Allegation No. 1—Mrs. Chandler was not selected for promotion because she is black.

A. Mr. Holland (Adjudication Officer, Exhibit 2) stated: "I'm interested in getting Section Chiefs who will do the best job . . . . I'm not at all concerned with race or sex in filling these positions . . . ."

"Vacancies are filled through the station promotion plan. All applicants are evaluated by their supervisors, an evaluation panel set up to determine the qualifications of each applicant. An interview panel is set up to interview the 'highly qualified' applicants and we try to make a consensus choice. However, in the final analysis, I must be the selecting official as Chief of the Service." (See Exhibit 27, Promotion Plan.)

"We try to avoid pre-selection. In a Division as large as ours, the panel is a necessity because I cannot know everything about each employee."

"Mrs. Chandler has not been in Adjudication as long (as Mr. Dineros, who was selected) and has not been an Authorizer as long."

"The law degree (Dineros has one, Chandler does not) is not necessary for a Section Chief's position but "it's desirable".

"If we have someone with a law degree who shows promise, his promotions, probably, will come faster than if he didn't have it."

"There is no particular reason why we have no Black Section Chief. It's not a matter of discrimination. I would say that other candidates were considered to be better able to fill the positions. This is not to say that we won't have a Black Section Chief sometime."

"Our primary concern is to get the person into the job who will do the best job for us, the veterans and the VA, and we don't care what the person's race may be."

B. Mrs. Fillerup (Section Chief, Exhibit 13) stated: "I feel Jewell Chandler has been given fair consideration during her employment and she has been selected for special projects over others."

"I know of no campaign on the part of the Adjudication Officer to keep Blacks or Black females from becoming a Section Chief."

C. Mrs. Weden (Section Chief, Exhibit 17) stated: "In my judgment, Mrs. Chandler received fair and equal treatment in this promotional opportunity, although this does not mean I am in full agreement with the selection."

[A. R. 159]

"This is a judgment decision and I tried to be as fair as I could."

"I do not feel any individual should be given preferential treatment because of their race or sex, nor do I feel they should be restrained for these reasons."

D. Mr. Ballanti (Section Chief, Rating Board and Evaluation Panel Member, Exhibit 3) stated: "We went through the Personnel folders of the candidates and began evaluating (according to the ground rules, Exhibit 28) and came up with seven candidates rated 'highly qualified'."

(The highly qualified group included: 1 Black female (Chandler); 2 Black males; 1 Filipino-American (Dineros); 2 white females; 1 white male)

"To my recollection, Mrs. Chandler rated very high." (Dineros 167 points, Chandler 165 points. They were the two highest.)

"I do not know if the Adjudication Officer was aware of the numerical rating of those in the 'highly qualified' group."

"I feel this is a very fair and objective method of selection."

E. Mr. Tessier (Section Chief—Rating Board and Interview Panel Member, Exhibit 20):

"It is my experience that those on the interview panel do not know the numerical rankings of those candidates in the 'highly qualified' group."

F. Mr. Crawford (Veterans Claims Examiner GS-12, Exhibit 16) stated:

"I, personally, do not feel there is discrimination toward Blacks or Black females in the Adjudication Division. However, had I been the selecting official . . . I would have selected Mrs. Chandler over Mr. Dineros. I have worked with both and feel Mrs. Chandler tries to be more helpful to employees . . . does not hesitate to make decisions . . . ."

G. Manuel Pacheco (Veterans Claims Clerk, Exhibit 9), stated:

"Regarding discrimination toward Blacks, I have the definite feeling that management does not want a Black Section Chief. I have been here since 1956 and I have never seen one."

CONCLUSION

The evidence does not support this allegation . Although there are, presently, no Black Section Chiefs, other minority groups are represented at this level. I was unable to detect any pre-selection or plan to keep Blacks from becoming Section Chiefs.

[A. R. 160]

The investigation indicated that this action was handled in full accord with the Station promotion plan. The interview panel was unable, apparently, to reach a consensus choice and the Adjudication Officer cast the deciding vote for the selectee. The result was a 2-1 split for Mr. Dineros.

The investigation detected no "pre-selection" of Mr. Dineros or pressure from the Adjudication Officer on the members of the interview panel to insure his selection.

FINDINGS

Allegation No. 2—Mrs. Chandler was not promoted because she is a female.

A. Mr. Holland (Adjudication Officer, Exhibit 2) stated: "I'm not at all concerned with race or sex in filling these positions, but only in finding the one who can do the best job."

There are two white female Section Chiefs. "Mrs. Fillerup was a Section Chief when I came. Mrs. Weden had been an Authorizer and was the Assistant Chief of the Administrative Division. I did concur in her lateral transfer back to Adjudication."

"Of our 14 Authorizers, 5 are female and we have 2 female Section Chiefs."

Referring to the August 1972 promotions to GS-11, when 11 promotions were made including only 1 female: "There was no intent to downgrade females. We select the best people regardless of sex. There were several women in the 'highly qualified' group but we felt we promoted the people who would do the best job."

"Men must, also, perform. Potential, alone, is not sufficient to promote. Potential and performance are both considered for both men and women."

B. Mr. Crawford (Veterans Claims Examiner, Exhibit 16) stated: I, personally, do not feel there is discrimination toward Blacks or Black females in Adjudication."

CONCLUSION

The evidence does not support this allegation. Although the alleged discriminating official was only involved in the selection of one female as a unit head, the presence, currently of 2 female Section Chiefs (white) seems to preclude

a plan to keep females from an opportunity to function at this level.

[A. R. 161]

FINDINGS

Allegation No. 3—Females are discriminated against in promotional opportunities.

A. Mrs. May (Veterans Claims Examiner, Exhibit 14) stated: "I'm not sure if it's because of my age (62) or because I'm a female but I don't feel I have been treated fairly by whomever promotes you in Adjudication."

"I, definitely, feel the Adjudication Officer prefers to promote men."

"I came to Adjudication in 1965 . . . and have not received a promotion since coming here."

"I feel I am promotionally handicapped because I am a female and because of my age. I have put in for a GS-11 position on five different occasions and I do not feel that with the number of promotions made that my qualifications and job performance are that inadequate to warrant passing over me five times."

B. Mrs. Jones (Veterans Claims Examiner, Exhibit 6) stated: "I, definitely, feel that I have been discriminated against because I'm a middle-aged female. I don't feel proper promotional consideration is accorded to me. . . ."

"The favored employees seem to be the young, degreed or law graduate males."

"However, on the practical side, the young lawyears do not stay with us, even though they are promoted. They do not have the opportunity to find

out how to do the job because of the rapidity of their promotions and the increasing workload has to be carried by those of us who have the knowledge and ability but not the degrees. Yet, we do not get the opportunity to advance in grade."

C. Earline Evans (Veterans Claim Clerk, Exhibit 5) stated: "I can only speak of my personal frustrations because they are somewhat typical of what black females, in general, experience . . . . Unless you are the type who can easily massage the ego of the Division Chief, you can't get ahead. I have had good evaluations . . . , a good work record and yet I cannot get promotions."

D. Alberta Franklin (Veterans Claims Examiner, Exhibit 10, stated: "I think female black employees, that I feel are qualified for advancement, have not been promoted. Many times these black women have trained the people who were promoted over them. Many are . . . white."

[A. R. 162]

E. Manuel Pacheco (Veterans Claims Clerk, Exhibit 9) stated: "In September 1972, I applied for a GS-6 Veterans Claims Clerk position, was rated 'Highly Qualified,' granted an interview but was not selected. There were six positions . . . five females and one male (3 Black, 2 Caucasian and 1 Japanese-American) were selected."

"Regarding discrimination toward females, in the Veterans Claims Clerk area, I feel they are getting a better break than men. More women have received GS-6's than men. Since the women's liberation movement, I feel they have gotten the better of the promotions on the GS-6 level."

F. Jack Feurstein (Veterans Claims Examiner, Exhibit 15) stated: "I don't feel there is any discrimination here regarding race or sex."

G. Mr. Holland (Adjudication Officer, Exhibit 2) stated: "There was no intent to downgrade females. We select the best people regardless of sex."

"Of our 14 Authorizers, five are female and we have two female Section Chiefs."

Regarding keeping alert for capable employees—"... Generally through the Supervisors and Section Chiefs, they keep me informed on those employees who appear to be capable on both posted and unposted promotions."

CONCLUSION

Although there seems to be a somewhat prevalent feeling among females that they do not, always, receive promotional equality with men, this investigation was unable to detect any overt move in this regard.

The breakdown of the Service shows 46 females functioning at above the GS-9 level, as opposed to 113 men in the same grades. 60 women are functioning at Grades GS-3 to GS-7, as opposed to 57 males at this same level.

A sizable contribution to the feelings of discrimination regarding promotions by the females seems to stem from the new male employees, usually with degrees, etc., being hired from outside the agency; being trained by employees with more seniority but receiving promotions at a much faster rate than the people who train them.

A better understanding, by employees, of general hiring aims, achieving balance between hiring from the outside and promoting from within, men and women, would alleviate some of the discriminatory feelings.

There seems to be a feeling that management prefers to hire and promote new, untried people rather than giving employees they already have a chance to fill a higher level position.

[A. R. 163]

FINDINGS

Allegation No. 4—General discrimination against Blacks is practiced in Adjudication in regard to promotions.

A. Mr. Holland (Adjudication Officer, Exhibit 2) stated: "When we hire outside, we go to the register and I do not recall interviewing any non-Caucasians. The minority people just aren't appearing on the register."

"We do not practice discrimination in promotions. I feel the percentage distribution among our minority employees shows this."

"I do not feel this feeling of discrimination is a general one but, perhaps, some employees feel that way."

Regarding "grooming employees for promotion"—"What we try to do is give capable employees tasks that they can perform. I don't feel this is grooming for promotion."

"We try to encourage people to prepare themselves for a better job. We have a course in correspondence . . . We set up a law course for employees without law degrees . . . We are trying to get many things done, some here, some at the University of West Los Angeles."

B. Ira Claiborne (Legal Rating Specialist, Exhibit 7) stated: "I, definitely, feel racial discrimination at this station is very flagrant. It permeates every

facet of the Authorization and Rating Board procedures. In fact, I have filed a grievance charging racial discrimination against me in the same promotional situation that Mrs. Chandler did. My grievance has completed the informal stage and I will file next week for a formal investigation into the matter."

C. Milton Thompson (Veterans Claims Lead Clerk, Exhibit 4, stated: "I feel that there is general discrimination toward promotion of Blacks and I, personally, feel discriminated against because I have been assigned to the Education Section since 1967. . . . I wish to broaden my experience to enhance my promotional potential."

"I have trained or assisted in the training of many white employees who have been selected for the Adjudicator trainee position over me."

"To my knowledge there has been no Black male promoted 'from the floor' (non-degreed people) to a GS-7 Adjudicator trainee position since 1967. Some white employees have been promoted 'from the floor'."

D. Miss Franklin (Veterans Claims Examiner, Exhibit 10) stated: "I have felt some discrimination toward me, personally, because it is my feeling that they are not promoting enough people from the inside,

[A. R. 164]

but, instead, are bringing in new employees, primarily white employees, from the outside."

"I, definitely, feel that employee morale is quite low in Adjudication, particularly among the Black employees. . . . Morale is low primarily because of the absence of promotional equality from the Clerk level to the Examiner (trainee) level."

E. Mrs. Evans (Veterans Claims Clerk, Exhibit 5) stated: "There is such a negative atmosphere here that good employees are walking out because they cannot tolerate the situation. Check the turnover in personnel and the use of sick leave on this. We are in trouble here and need to have something done."

F. Mr. Pacheco (Veterans Claims Clerk, Exhibit 9) stated: "Regarding discrimination toward Blacks . . . At the Clerk level, I feel the Blacks have received fairer treatment on promotions than the Mexican-Americans."

G. Jack Feurstein (Veterans Claims Examiner, Exhibit 15) stated: "I don't think there is any racial discrimination here. I have seen too many people, of all races, promoted to feel there is discrimination."

"I feel this is a fair system (promotion system). I think this precludes any discrimination. It's all up to the individual to learn and work if he wants a promotion."

"I don't feel that I have been treated unfairly, nor do I feel any others in Adjudication have been treated unfairly."

H. Jerleen Anderson (Veterans Claims Clerk GS-4 (witness): "I feel discriminated against. . . . I feel I'm standing still while others, primarily whites, are progressing. I have been a GS-4 for three years and others who got their GS-4 after me are now GS-5's and GS-6's."

"I sat across from a white employee and because I was close he asked me questions he, normally, would have asked the Lead Clerk . . . He is now a GS-5."

CONCLUSION

The evidence did not support this allegation, although many black employees have definite feelings of discrimination. Suggest, whenever possible, the unsuccessful candidates be advised of the reasons for non-selection and ways to improve areas where deficiencies are noted.

[A. R. 165]

FINDINGS

Allegation No. 5—Equality in employment does not prevail here.

A. Mr. Walker (Veterans Claims Examiner, Exhibit 8) stated: "It seems to me that most minority Vietnam veterans go to Administrative Division as GS-2 or GS-3. I do not know the qualifications of the white employees (Vietnam veterans) but they seem to come into Adjudication as GS-5 Veterans Claims Examiner trainees and clerks."

"I have not seen a Black veteran hired under this new program, as a Veterans Claims Examiner, and I'm sure there are Black veterans who have adequate qualifications."

"Go down to Administrative Service and you will find it's about 95% minority people. Many of the jobs in Administration are of the lower grade levels. This I would call discrimination since it appears that minority groups are channelled to this area."

B. Mr. Pacheco (Veterans Claims Clerk, Exhibit 9) stated: "I don't feel the Mexican-Americans get promoted in Adjudication. There are only a few of us and we have worked here a long time. . . . We have not received any recent promotions."

"I feet the Mexican-American employees are taken too much for granted. We have not been 'making waves'

as the Blacks have so we tend to get overlooked on the promotional opportunities."

C. Mr. Thompson (Veterans Claims Clerk, Exhibit 4) stated: "This gives me the feeling that I am trapped in Education (Section) as a GS-6 rather than being permitted to advance. I feel I'm being used rather than being utilized."

"I have the feeling that certain white employees are 'programmed for promotion' and there is no way I can combat this. Many times white employees are not responsible for performing all of the duties a Claims Clerk should perform in the Education Section, but are permitted to specialize in some limited phase or project. This usually results in some commendatory award that provides credit toward promotion."

D. Mr. Holland (Adjudication Officer, Exhibit 2) stated: "When we hire outside, we go to the register and I do not recall interviewing any non-Caucasians. The minority people just aren't appearing on the register. I would be happy to consider any person on the register."

E. Mrs. Anderson (Veterans Claims Clerk, Exhibit 19) stated: "I am, presently, going to the University of West Los Angeles and have taken one course at Los Angeles Regional Office in compensation and pension."

[A. R. 166]

F. Frank Galvan, Jr. (Veterans Claims Examiner, Exhibit 11) stated: "I can't complain about my treatment here. I have not felt held back at all because I'm a Mexican-American."

"I can't say that there are not some Mexican-American employees who have not been treated fairly but I have not seen it."

G. Juan Leyva (Veterans Claims Clerk, Exhibit 12) stated: "I don't feel I have been discriminated against although it has been tough and the grades have not come easy. I've had to transfer and learn new jobs to become a GS-5."

"About two years ago my supervisor, . . . Mrs. Margarette Fillerup, asked me if I would like to transfer to compensation and pension to learn additional skills that would give me a better chance for promotion. I told her since I didn't plan to work much longer that I preferred to stay where I was as I liked my job."

H. Mrs. May (Veterans Claims Examiner, Exhibit 14) stated: "They bring in new employees, some with law degrees, and tend to poromote them so fast. . . . I don't know how these new people can be expected to learn all the procedures so fast to warrant these rather quick promotions."

I. Mr. Howard Hockenberry (Personnel Management Specialist, Exhibit 18) stated: "When we recruit outside, for Veterans Claims Examiners, we must use the FSEE register. It is somewhat true that there does not seem to be minority candidates available on the register. However, in order to overcome this, we have established a GS-3 Veterans Claims Clerk position as a career-promotional ladder to GS-4 and GS-5 grades. This is to endeavor to get people who are not on the FSEE register for Veterans Claims Examiners."

"We, definitely, attempt to achieve a balance between hiring new people for the Veterans Claims Examiner area and providing promotional opportunities for people presently working here at lower clerical grades."

"We, definitely, are not channeling the minority group to the low grades in the Administrative Division and the white candidates to the higher grades in Adjudication. The major portion of the recruiting on the outside is at the GS-5 level and we must utilize the people who are on the FSEE register. So if only white candidates are on the register, we must hire what is on the register. We have no control over the lack of balance of the ethnic groups on the register."

"It is not true that a Black employee, with a law degree, Mr. William O. Hall, Jr., was hired at Los Angeles Regional Office as a GS-2. Perhaps prior to receiving his records and unaware of his degree, he

[A. R. 167]

was told that the only available positions were of the GS-2 grade. I don't know. Mr. Hall received his law degree in 1962. He entered Federal employment as a Nursing Assistant GS-2 in 1963 in Alabama. He resigned in 1964, accepted a temporary GS-2 appointment with Internal Revenue Service in 1965. He came to Los Angeles Regional Office in 1967 as a GS-9 Veterans Claims Examiner and has since been promoted to his present GS-12 grade."

Mr. Don Baker, a Black employee who scored well on the FSEE, is working as a GS-3. "Mr. Baker was counselled on hiring that the only positions available at that time were GS-2's but, upon achieving permanent status, he could file for posted promotions. He was not displeased and accepted the appointment."

CONCLUSION

There is a feeling of discrimination among the Blacks regarding promotions. Other areas such as workload distribution, leave administration, overtime, etc., seem to be relatively problem-free.

This investigation did not uncover any overt discrimination toward Blacks, however, the feeling of discriminatory procedural practices is definitely present.

The need for improved supervisory communications with the staff, particularly at the lower levels, is very much indicated.

Bridging the gap from the Clerk level to the Examiner (trainee) level seems to be a critical area. Programs to help train current minority staff for promotional opportunities should be given additional emphasis.

Steps to get minority people on the FSEE register appear to be much needed.

The need for a young black counselor in the Personnel Division is indicated, to provide identity and positive communcation between the large minority staff and the Personnel Division.

GENERAL CONCLUSIONS

There is a feeling of dissatisfaction among many minority employees. In a large Division such as this, it is difficult to establish understanding of the "whys" of management decisions but this must be done.

There is a definite need for all staff to gain insight into how promotions are made and why. Perhaps the involvement of lower grade employees on the interview panels would accomplish this, in part.

The growing need for public relations and orientation and training of several officers, veterans and schools, perhaps, indicates the need for establishing a position in Adjudication, with grade consideration, to provide more active and competent leadership in this area.

[A. R. 168]

IV. Index of Exhibits

1. Testimony of Mrs. Jewell D. Chandler, Veterans Claims Examiner GS-12 (complainant).
2. Testimony of Mr. Martin C. Holland, GS-15, Adjudication Officer (alleged discriminating official).
3. Testimony of Mr. Dominic E. Ballanti, Rating Board Section Chief GS-13, Adjudication Division (witness).
4. Testimony of Mr. Milton Thompson, Veterans Claims Lead Clerk GS-6 (witness).
5. Testimony of Mrs. Earline L. Evans, Veterans Claims Clerk GS-5 (witness).
6. Testimony of Mrs. Harriett K. Jones, Veterans Claims Examiner GS-9 (witness).
7. Testimony of Mr. Ira W. Claiborne, Rating Board Specialist GS-12, Adjudication Division (witness).
8. Testimony of Mr. John C. Walker, Veterans Claims Examiner GS-11 (witness).
9. Testimony of Mr. Manuel Pacheco, Veterans Claims Clerk GS-5 (witness).
10. Testimony of Miss Alberta Franklin, Veterans Claims Examiner (trainee) GS-7 (witness).
11. Testimony of Mr. Frank Galvan, Jr., Veterans Claims Examiner GS-9 (witness).
12. Testimony of Mr. Juan A. Leyva, Veterans Claims Clerk GS-5 (witness).
13. Testimony of Margarette M. Fillerup, Section Chief, Adjudication Division, GS-13 (witness).
14. Testimony of Mrs. Lillian B. May, Veterans Claims Examiner GS-9 (witness).

15. Testimony of Mr. Jack Feurstein, Veterans Claims Examiner GS-9 (witness).
16. Testimony of Mr. Robert G. Crawford, Veterans Claims Examiner GS-12 (witness).
17. Testimony of Mrs. Catherine M. Weden, Section Chief GS-13, Adjudication Division (witness).

[A. R. 169]

18. Testimony of Mr. Howard E. Hockenberry, Personnel Management Specialist GS-12, Personnel Division (witness).
19. Testimony of Jerleen Anderson, Veterans Claims Clerk GS-4 (witness).
20. Testimony of Mr. Amos E. Tessier, Rating Board Section Chief GS-13, Adjudication Division (witness).
21. Job Performance Requirements—Veterans Claims Examiner GS-9.
22. Job Performance Requirements—Senior Adjudicator GS-11.
23. Job Performance Requirements—Veterans Claims Examiner-Authorizer GS-12.
24. Job Performance Requirements—Section Chief-Authorization GS-13.
25. Adjudication Division Staff Breakdown by Race, Sex and Grade, dated 10/13/72.
26. Promotional Announcement No. 80-72—Supervising Veterans Claims Examiner (Section Chief) GS-13.
27. Promotion Plan—dated March 2, 1972.
28. Ground Rules for Promotional Announcement No. 80-72.
29. Sick Leave Balance Verification, dated October 13, 1972.

30. L.A.R.O. Promotion Lists for June, July, August, 1972.

31. Recommendation, Justification and Notification of High Quality Increase for Jewell D. Chandler, dated 8/31/70.

32. Letter of Commendation, dated July 13, 1971, from Field Director, Area 4.

33. Letter to Director and Director's reply from and to Federal Women's Program Coordinator (Mrs. Chandler).

34. C.S.V. Form 894—Complaint of Discrimination, dated 9/25/72.

35. E.E.O. Counselor's Report.

36. Request for Investigation from Sepulveda VA Hospital.

37. Letter of Complaint to Senator Cranston from Mrs. Earline Evans (witness).